



July 26, 2016

Ms. Elizabeth Palen, Executive Director
Virginia Housing Commission
General Assembly Building, 2nd Floor
201 North 9th Street
Richmond, VA 23219

Re: Franklin County Board of Supervisor's Resolution Concerning the proposed Limited Residential Lodging Act

Dear Ms. Palen,

Please find enclosed a certified copy of a resolution passed by the Franklin County Board of Supervisors on July 19, 2016, regarding the proposed Limited Residential Lodging Act (SB416). There are several concerns with the current legislation that are currently being discussed by a Virginia Housing Commission Workgroup. However, the Board's primary objection is the pre-emption of local land use authority that is proposed in the current version. The Board believes matters of land use are best resolved at the local level by the citizens and local legislators. The Franklin County Planning Commission and Board of Supervisors reviewed this issue in 2015 and made no changes to the current local requirements for short term rentals in Franklin County.

I welcome the opportunity to discuss this matter with you in more detail as this proposed legislation moves forward. Thank you for your consideration in this matter.

Sincerely,

W. Brent Robertson
Franklin County Administrator

cc: Steven Sandy, Franklin County Planning Director

Enclosure

W. Brent Robertson
County Administrator
1255 Franklin Street, Suite 112
Rocky Mount, Virginia 24151
(540) 483-3030
brent.robertson@franklincountyva.gov
www.franklincountyva.gov

**RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF FRANKLIN, VIRGINIA
REQUESTING THE GOVERNOR OF VIRGINIA AND GENERAL ASSEMBLY
MEMBERS TO OPPOSE SB416, THE LIMITED RESIDENTIAL LODGING ACT**

WHEREAS, the Virginia General Assembly passed legislation in the 2016 session known as SB416, the Limited Residential Lodging Act ("Act"), on April 1, 2016; and

WHEREAS, the "Act" creates a statutory mechanism for the regulation and taxation of short-term rental transactions by allowing primary residents to rent out all or a portion of their homes on a temporary basis and provide procedures for hosting platforms to collect and remit state and local retail sales and use taxes and transient occupancy taxes; and

WHEREAS, the "Act" proposes to preclude localities from enacting local ordinances that prohibit or restrict the use of a residential dwelling as limited residential lodging or that would impose additional regulations on operators; and

WHEREAS, the "Act" requires the Virginia Housing Commission to convene a working group of interested parties to consider issues related to short-term rentals who need to complete the work by December 1, 2016; and

WHEREAS, §15.2-2200 of the Code of Virginia declares the General Assembly's legislative intent that localities are encouraged to improve the public health, safety, convenience and welfare of its citizens and that residential areas shall be provided with healthy surroundings for family life; and

WHEREAS, §15.2-2283 of the Code of Virginia authorizes localities to enact zoning ordinances for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of §15.2-2200. Furthermore, the zoning ordinance is to give reasonable consideration to reduce or prevent congestion in public streets, facilitate the creation of a convenient, attractive and harmonious community, protect against overcrowding of land; and

WHEREAS, Franklin County supports the ability to maintain local authority to plan and regulate land use within its boundaries with input of the local residents; and

WHEREAS, Franklin County has developed a Comprehensive Plan and other local ordinances to meet the intent of §15.2-2200 of the Code of Virginia and has regulated the use of short-term rentals in the County since 1995 by adding a definition of short-term tourist rental of dwelling to the zoning ordinance, allowing the use by-right in

Residential Planned Development (RPD) and Planned Commercial Development districts and requiring a Special Use Permit for this use in the Agricultural (A-1) zoning district;

WHEREAS, the Franklin County Board of Supervisors and Planning Commission studied this issue again as recently as 2015 and determined that current local control of this land use was adequate for Franklin County; and

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors expresses its opposition to SB416, Limited Residential Lodging Act, because the "Act" precludes local authority to exercise local discretion and authority to enact local ordinances that regulate the short-term rental of residential dwellings.

AND BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Franklin, Virginia hereby directs the County Administrator to transmit this resolution to: the Governor of Virginia Terry McAuliffe, Virginia Senators Stanley and Suetterlein, Virginia Delegates Byron and Poindexter as well as the Virginia Housing Commission Working Group studying this legislation.



Sharon K. Tudor, MMC

Clerk

Franklin County Board of Supervisors

